

**MINUTES OF THE  
PRIVATE PROTECTIVE SERVICES BOARD MEETING  
FEBRUARY 24, 2011  
HOLIDAY INN RALEIGH NORTH  
2805 HIGHWOODS BLVD.  
RALEIGH, NC 27604**

**BOARD MEMBER PRESENT**

Richard Allen  
Brenda Bishop  
James Stevens  
David Pendry  
Bill Booth  
Eric Jones  
Sally Pleasant  
Mack Donaldson  
Robert M. Clark  
Steve Johnson  
Sheriff Ashe  
Judge Burris  
Sheriff Jenkins

**STAFF PRESENT**

Anthony Bonapart - Deputy Director  
Charles McDarris – Attorney  
Judy Pittman - Training Officer  
Joyce McClure - Board Secretary  
Garcia Graham - Licensing Assistant

**GUEST PRESENT**

|                |                  |               |
|----------------|------------------|---------------|
| Mack Zudell    | Ruth Reynolds    | Audra Coleman |
| Bill Dover     | Leon Ives        | Paul Schroll  |
| David Ardnt    | Michael Cundiff  | Gary Pastor   |
| Audra Coleman  | Randall Rabenold | Willie Rorie  |
| Gregory Hatten | Nick Nicholson   | Jeff Kiker    |

Ann Lane  
Herman Weaver  
Jeffrey Jones  
John Little

Neil Mayzik  
Larry Amaker  
Dorian Dehnel  
Rick Eatmon

Jamie Hudgens  
Marty Folding  
Denise Martin  
Jennifer McKenzie

Chairman Richard Allen called the February 24, 2011 Private Protective Services Board meeting to order at 9:30 A.M. Mr. Allen welcomed all guests and requested they sign in on all three of the sign in sheets, turn off cell phones and introduce themselves.

Attorney Charles McDarris explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

**GOOD OF THE ORDER:**

Mr. Gary Pastor, the newly elected President of NCAPI, thanked Larry Flannery for his service as President of the NCAPI. Mr. Pastor presented the new Board of Directors of the NCAPI for 2011. The Administrative Vice President is Jeff Kiker; Jim Davis, Leroy Everhart and Ann Lane are also part of the newly elected Board of Directors. Mr. Bill Dover is the new Treasurer and Mr. David Shelton is the Secretary.

On January 29, 2011 at the annual meeting, there was a class on CPR and Eugene Ferrero, president of NCASI, gave a presentation. The Spring Conference is scheduled for March 29, 2011 in Fletcher, NC. NCAPI is now planning the fall conference to be held in Fayetteville, NC.

Mr. Pastor expressed the intention of the newly elected Board of Directors of NCAPI to continue to assist and support the Private Protective Services Board.

**APPROVAL OF THE DECEMBER 9, 2010 MEETING MINUTES:**

**MOTION BY MR. DONALDSON TO ACCEPT THE MINUTES AS PRESENTED;  
SECONDED BY MRS. PLEASANT; MOTION CARRIED.**

**SCREENING COMMITTEE REPORT:**

Mrs. Bishop reported that the Screening Committee met on Wednesday, February 23, 2011 from 2:00 P.M. until 7:20 P.M. to review a total of 44 applications with 2 Denials and 4 Deferrals; the remainder of the applications were approved (see report). Committee members were, Mrs. Bishop, Mrs. Pleasant, Steve Johnson, Sheriff Ashe, Monty Clark and Mr. Pendry. Mrs. Bishop read the report for the record. It was noted that Mr. Clark recused himself on # 10 Yohiji Bryant and Mr. Johnson recused himself on # 44 Stacy Womer.

Mrs. Bishop presented the following registration report for the period of December 7, 2010 through February 17, 2011. Total registrations 3,807; armed totals were 567 of which 212 were new, 334 were renewal, 4 duplicate and 17 reissue/dual. There were 3 renewals Private Investigators and 2 new Private Investigator Associate. Unarmed totals were 3,235 which include 1,122 new, 1,938 renewals, 105 transfer, 7 duplicates and 63 reissues/dual. Total denials 615 of which 184 were for cause and 431 were correctable. There were 355 applications approved which were previously denied for a total of 970 denials reviewed.

**MOTION BY MR. STEVENS TO ACCEPT THE SCREENING COMMITTEE REPORT AND THE REGISTRATION REPORT; SECONDED BY MR. BOOTH; MOTION CARRIED.**

**GRIEVANCE COMMITTEE REPORT:**

Judge Burris reported the committee met on Monday, February 21, 2011 from 8:55 A.M. to 2:20 P.M. and heard a total of five cases. The committee also met on Wednesday, February 23, 2011 from 8:00 A.M. until 11:35 A.M.. and heard a total of eleven cases. The committee members were Mr. Burris, Mr. Stevens, Mr. Booth, Eric Jones and Mr. Donaldson. Judge Burris presented the attached report. (See attachment)

Mr. Booth recused himself on cases 2010-PPS-024, 025, 026, 027 and 2010-PPS-028. Please note that Mr. Booth was not part of the Grievance Committee that met on February 21, 2011.

**MOTION BY SHERIFF ASHE TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. JOHNSON; MOTION CARRIED.**

**TRAINING & EDUCATION COMMITTEE:**

Mr. Stevens advised the Training & Education Committee met on Thursday, February 24, 2011 from 8:30AM. until 9:00 A.M.. The committee members were Mr. Stevens, Mr. Clark, Mr. Booth, Mr. Allen, Mr. Johnson, Sheriff Ashe and Mrs. Pleasant.

Mr. Stevens read the course schedule. The following trainer courses are scheduled:

|                   |  |      |
|-------------------|--|------|
| February 28, 2011 | Firearms Trainer Re-Certification course | NCJA |
| April 4-8, 2011   | Firearms Trainer Certification Course    | NCJA |
| May 2- 6, 2011    | UGT Course Workshop                      | WTCC |
| June 13, 2011     | Firearms Trainer Re-Certification course | NCJA |

The following PPS trainer courses have been completed:

|                     |                     |      |
|---------------------|---------------------|------|
| February 7-11, 2011 | UGT Course Workshop | WTCC |
|---------------------|---------------------|------|

Presently we have 369 unarmed guard trainers and 96 armed guard trainers.

Mr. Stevens stated that staff is currently scheduling courses for the second half of the year.

Mr. Stevens reported on three weapons discharges.

Mr. Johnson stated that the subcommittee approved the following courses: Security Concepts & Elements of Physical Security; Executive Protections-Philosophy, Planning & Operations; Legal Issues for Private Investigators; Security Planning for Catastrophic Emergencies; Drugs & Alcohol in the Workplace; Death Investigations for the Private Investigator; Cellular Forensics for the PI; Region 1 Continuing Education Seminar 2011; Computer Forensics for Investigators; Surveillance 101; Compliance & Ethics; Interviewing & Detecting Deception; Agency Survival; SCALI 2010 Spring Conference; Financial Fraud Investigations I, II, III.

**MOTION BY MR. JOHNSON TO APPROVE; SECONDED BY MR. BOOTH; MOTION CARRIED.**

Mr. Stevens reviewed the proposed classes that are to be funded by the Education Fund and presented at four locations throughout the State. The classes will cover an overview of G. S. 74C, registration procedures and the continuing education process. The classes will be four hours long and individuals will be eligible for four hours of continuing education credit at no cost to licensees.

**MOTION BY SHERIFF JENKINS TO APPROVE; SECONDED BY MRS. BISHOP; MOTION CARRIED.**

Mr. Stevens informed everyone that the Subcommittee for Course Approval is to be rotated. Mrs. Pleasant will chair the committee. Mr. Booth and Mr. Stevens will also sit on the committee.

**MOTION BY SHERIFF ASHE TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT; SECONDED BY MR. JOHNSON; MOTION CARRIED.**

**GRIEVANCE COMMITTEE REPORT -**

Judge Burris stated that the Committee has instituted a new procedure that was adopted by the Grievance Committee. He stated that a copy of the investigator's report will be distributed to the person(s) as they sign in for each case so they may review the report before they appear before the Committee. This will allow the Committee to allocate more time to the issues of the case.

**MOTION BY MR. DONALDSON TO ACCEPT; SECONDED BY MR. STEVENS; MOTION CARRIED.**

**SCREENING COMMITTEE REPORT -**

Mrs. Bishop stated that she wants the Screening Committee to look into clarifying the issue of whether or not an investigator's license is required if someone works for one Attorney or multiple Attorneys as it is an issue and not clearly stated in G. S. 74C. The Screening Committee will review G. S. 74C and after an

initial determination, will work with the Industry to propose changes. Mr. McDarris stated that eventually it will require a legislative change.

Mr. Stevens addressed the industry regarding the submission of registration paperwork. He stated that currently, correctable registrations are at approximately 12% and that it will require the industry to be more diligent when submitting their paperwork in order to lower the number of correctables. Mr. Stevens stated that this will give staff more time to process the applications and issue the registrations.

**MOTION BY MR. STEVENS TO ACCEPT; SECONDED BY MR. CLARK; MOTION CARRIED**

**74C REWRITE COMMITTEE -**

Judge Burris stated that this was not a good year to take anything to the Legislature. Judge Burris also stated that he had sent each Board member an email reminding them to take the State Ethics Training and submit their Statement of Economic Interest document to the State Ethics Commission.

**FINANCE COMMITTEE - NONE**

**OUT OF STATE CRIMINAL RECORD CHECKS : NONE**

**OLD BUSINESS - NONE**

**NEW BUSINESS:**

Mr. McDarris stated that under the RFP, the appointment of CriminalRecordChecks.com must be voted on each year of the three-year appointment.

The Board discussed whether it would continue with CriminalRecordscheck.com appointment as the vendor approved to conduct criminal record checks for the industry. Mr. Donaldson requested input from the industry regarding how well this appointment has been working for them.

Mr. Dorian Dehnel gave an overview of the industry feedback that they have received. He stated that they now have 67 certified Corporate Accounts. The response that he has received has been positive with the emphasis on the fact that this has cut their results time in half. Mr. Dehnel stated that the response has been overwhelmingly positive from the industry and that the requests are constantly increasing.

**MOTION BY MR. STEVENS TO REAPPOINT CRIMINALRECORDSCHECK.COM AS THE OFFICIAL PROVIDER OF OUT-OF-STATE CRIMINAL RECORDS FOR THE PPS INDUSTRY; SECONDED BY MRS. PLEASANT; MOTION CARRIED.**

Mr. Clark expressed concern about approving Private Investigator Associates that have sponsors from another state. He is concerned about the training that the Associates are receiving and would like the

Screening Committee to look at 74C also to have the sponsors come to the meetings to present their training plans for the individual Associates.

Mr. McDarris stated that the Board has the ability to make changes.

**MOTION BY MR. CLARK TO HAVE THE SCREENING COMMITTEE LOOK AT 74C AND THE RULES TO STRENGTHEN THE REQUIREMENTS FOR THE TRAINING OF ASSOCIATES AND BRING THEIR FINDINGS BACK TO THE BOARD; SECONDED BY MR. STEVENS; MOTION CARRIED.**

Mr. Bonapart brought a question to the Board regarding an inquiry regarding keeping only electronic files for their records.

Mr. McDarris advised the Board that it would require a rule change to expand it as the rule currently states that paper files must be kept for access by the investigators.

Judge Burris stated that we are in an electronic age and backup files must be kept. He also stated that no matter how the information is stored, you must be able to produce it.

Mr. Johnson recommended that a subcommittee of the Board and the industry be established to research this issue and make recommendations.

Chairman Allen appointed Judge Burris to head the subcommittee along with appointing Mrs. Pleasant, Mr. Booth, Mr. Bonapart, Mr. McDarris and Mr. Pastor to look into the recommendations on electronic storage.

#### **FINAL AGENCY DECISIONS -**

Attorney Charles McDarris removed himself as counsel to the Board to present the following cases.

The Board received the Official Record for each of the following cases:

Jamie Gre'Shawn Hudgens 10-DOJ-9416 Ms. Hudgens was present. This case reviewed the denial of the petitioner's application for an unarmed registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Donald Overby proposed that the Board reverse its initial decision to deny the Petitioner's application for an unarmed registration permit pending resolution of the unresolved matter in West Virginia and in the event that the felony extradition/fugitive matter is resolved with no further criminal convictions, to issue the registration with an active period of suspension stayed and that the Petitioner be granted a registration for a probationary period of three years. In the event that Petitioner has not satisfactorily resolved matters in West Virginia within six months, then her application for unarmed security guard should be denied.

**MOTION BY JUDGE BURRIS TO ADOPT THE ADMINISTRATIVE LAW JUDGE'S DECISION TO GRANT HER UNARMED REGISTRATION; SECONDED BY MR. BOOTH; MOTION CARRIED.**

Qwan M. Boler 10-DOJ-6339 Mr. Boler was present. This case reviewed the denial of the Petitioner's application for an armed guard registration based on the "For Cause" ground that Petitioner was convicted of the misdemeanor Contributing to the Delinquency of a Juvenile in 2009, with a Prayer for Judgment Continued.

Administrative Law Melissa Owens Lassiter proposed that the Board reverse the initial decision to deny the Petitioner's application for an armed security guard registration.

**MOTION BY MR. JOHNSON TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S RULING; SECONDED BY MRS. PLEASANT; MOTION CARRIED.**

Richard Dwayne Campbell 10-DOJ-4791 Mr. Campbell was present. This case reviewed the denial of the Petitioner's application for armed registration based on Petitioner's lack of good moral character and temperate habits.

Administrative Law Judge Melissa Owens Lassiter proposed that the Board reverse its initial decision to deny Petitioner's application for armed security guard registration based on the foregoing Findings of Fact and Conclusions of Law.

Mr. Stevens recused himself.

**MOTION BY MR. BOOTH TO REVERSE THE ORIGINAL DECISION; SECONDED BY MR. DONALDSON; MOTION CARRIED.**

Thomas J. Feeney 10-DOJ-5694 Mr. Feeney was noticed but not present. This case reviewed whether sufficient grounds exist for Respondent to deny Petitioner's application for private investigator associate license based on Petitioner's lack of good moral character and temperate habits and unfavorable credit history.

Administrative Law Judge Melissa Owens Lassiter proposed based on the foregoing Findings of Fact and Conclusions of Law, that the Respondent reverse its initial decision to deny Petitioner's application for private investigator associate license, and issue Petitioner the applied-for-license.

**MOTION BY MR. BOOTH TO DEFER TO THE APRIL MEETING; SECONDED BY SHERIFF JENKINS; MOTION CARRIED.**

**DIRECTOR'S REPORT:**

Mr. Bonapart presented the report. The budget as of January 31, 2011 has a balance of \$595,801.15; the Education Fund balance is \$115,792.93. As of February 17, 2011 we have a total of 14,102 PPS registrations, 1,766 licenses, 485 certifications, one endorsement for a total of 16,354 active personnel for

PPS. Active licenses and registrations for both Boards are 22,597.

Mr. Bonapart noted that there has been a total of 2,325 various correspondence printed from the PPS database, 3,503 registration cards printed from the new identification card system, and 4,997 applications received since the last Board meeting.

Judge Burris requested an update on the estimated costs for the statewide training classes to be presented by staff. At the present time, there are no estimates for the cost of presenting these classes.

**MOTION BY JUDGE BURRIS TO AUTHORIZE THE CHAIRMAN TO PRE APPROVE SUCH EXPENDITURES FROM THE EDUCATION FUND, AS HE SEES APPROPRIATE, FOR THE UPCOMING STATEWIDE TRAINING BEFORE THE APRIL BOARD MEETING; SECONDED BY MR. BOOTH; MOTION CARRIED.**

**MOTION BY MR. BOOTH TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. STEVENS; MOTION CARRIED.**

**ATTORNEY'S REPORT:**

Consents and Settlement Agreements are all current, executed and paid.

Mr. McDarris stated that all of the current appeals have been filed with the Office of Administrative Hearings and are listed in the Attorney's report.

12 NCAC .0701 a technical amendment to the rule is before the Board for adoption.

12 NCAC 7D .1200 addresses the repeal of the courier experience requirements and is before the Board for adoption.

12 NCAC .0201 this is the amendment to require applicants to meet with staff is before the Board for adoption.

**MOTION BY JUDGE BURRIS TO ADOPT .0701, 1200, AND .0201 AND SEND THE RULES TO THE RULES REVIEW COMMISSION; SECONDED BY SHERIFF ASHE; MOTION CARRIED.**

That concluded the Attorney's report.

**MOTION BY SHERIFF JENKINS TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MRS. BISHOP; MOTION CARRIED.**

**MOTION BY MR. STEVENS TO ADJOURN; SECONDED BY MR. CLARK; MOTION CARRIED.**

**12:15 P.M. Adjourned**

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Anthony Bonapart, Deputy Director

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Joyce McClure, Board Secretary